

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.20274 OF 2006

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DATED: 28-06-2007

BETWEEN

Jamait E. AhleHadees Masque
Committee, Regd. No. 402/88
Having its office at 18/85,
M.S. Street, Kadapa, Rep. by
its Secretary S.A. Saleem.

...PETITIONER

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Prohibition and Excise, Secretariat,
Hyderabad and others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the second respondent in granting A4 shop license for the retail sale of Indian Made Foreign Liquor and Indian Liquor in the premises bearing 18-834, Kadapa as illegal and arbitrary on the ground that the said shop is situated within the prohibited distance petitioner's Madarsa.

2. As per Rule 27 of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of License) Rules, 2005 (for short 'the Rules') there is no prohibition for the successful tenderers to select a suitable premises nearby a Madarsa. The prohibited distance will apply for the places of public worship, educational institutions, hospitals, highways etc. Places of worship has been explained under Rule 27(1) explanation stating

that the temples registered with the Endowments Department, Mosque registered with Wakf Board, Churches and other religious institutions would come under place of worship as the State Government by order specify. Admittedly, the Madarsa is not registered with the Wakf Board, therefore, it cannot be said that it is a place of public worship. Therefore, I am of the opinion that there is no violation of Rule 27 in granting the license.

The writ petition is accordingly dismissed. There shall be no order as to costs.

June 28, 2007
DSK

V. ESWARAIAH, J